

FIRST REGULAR SESSION

# HOUSE BILL NO. 542

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIDGEWAY, LUETKENHAUS, NAEGER, ABEL,  
BERKSTRESSER AND SECREST (Co-sponsors).

Read 1<sup>st</sup> time January 25, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1008L.011

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### AN ACT

To amend chapter 374, RSMo, relating to the department of insurance by adding thereto one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 374, RSMo, is amended by adding thereto one new section, to be  
2 known as section 374.285, to read as follows:

**374.285. 1. All records of disciplinary actions against an insurance agent, broker,  
2 agency or producer which resulted in a voluntary forfeiture of two hundred dollars or less  
3 shall be expunged after a period of five years from the date of the execution of the  
4 voluntary forfeiture by the director of the department of insurance.**

**5 2. After a period of five years from the date of the final order of discipline, any  
6 insurance agent, broker, agency or producer may apply to the director for the  
7 expungement of any record of disciplinary action taken by the director. Disciplinary  
8 actions shall include, but not be limited to, reprimand, voluntary forfeiture, suspension or  
9 revocation.**

**10 3. In considering any application for expungement, the director shall consider the  
11 length of time that has passed since the record was made public, the licensee's correction  
12 of any problem or offense which may have led to the creation of the record, the severity of  
13 the problem or offense, or other factors that the director deems appropriate. The director  
14 may expunge any record for good cause shown.**

**15 4. The director shall make a written decision on such petition no later than thirty  
16 days after the application. The decision shall state whether the record will be expunged.  
17 If the decision is that the record will not be expunged, each reason for the decision shall be  
18 stated in separate, enumerated paragraphs. Any record that the director deems**

19 appropriate for expungement shall be expunged within thirty days of the date of the  
20 decision.

21           5. If the director determines that any record shall not be expunged, the  
22 administrative remedies are deemed exhausted. The applicant for expungement may then  
23 file an action for expungement of the record in either the circuit court of Cole County or  
24 the circuit court of the county where the applicant resides.

25           6. Expunged records are not open to public inspection and shall be destroyed.